THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

W.P. NO : 15242 of 1998 & 28142 of 1998

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3rd October, 2005.

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(W.P.No:15242 of 1998)

Between:

1. Ramanjaneyulyu s/o Kurmaiah, aged 31 years, Occ: EDMC, Bijwar, a/w Dhanwada, Mahaboobnagar.

..... PETITIONER

AND

1. J.Pranesh s/o lt. SriGopalachary, aged 28 years, Ex. EDMC, Bijwar BO, a/w Dhanwada SO, Narayanpet sub division, Mahaboobnagar postal division & others.

.....RESPONDENTS

(W.P.No:28142 of 1998)

Between:

1. Sub Divisional Inspector (Postal) Narayanpet sub division, Narayanpet & others.

..... PETITIONERS

AND

1. J.Pranesh, s/o lt. Sri Gopalachary, aged 28 years, Ex. EDMC Bijwar B.O. a/w Dharwada S.O. Narayanapet ;sub division, Mahaboobnagar postal division & others.

.....RESPONDENTS

This Court made the following:

COMMON ORDER (Per the Honourable Smt.Justice T.Meenakumari)

The above writ petitions are filed by the petitioners against the order passed in O.A.No:275 of 1998 on 21.4.1998 by the Tribunal, under which the O.A. was allowed with the observations as mentioned therein.

The petitioner in W.P.No:15242 of 1998 is the unofficial 4th respondent whereas the petitioners in W.P.No:28142 of 1998 are official respondents and the 1st respondent in both the W.Ps., is one and the same and he is applicant before the tribunal. Since both the writ petitions filed by the unofficial respondent on one hand and the official respondents on the other, arose out of the same order of the tribunal, they are being disposed of by a common order.

The status of the parties will be referred to as arrayed before the tribunal.

Originally, the applicant has filed the O.A. challenging the order of the 1st respondent dated 9.2.1998 terminating his services and also seeking a direction to continue him on merit basis in the post of EDMC Bijwar BO with all consequential benefits. The tribunal having observed that the order impugned therein has not been passed in accordance with the rules and the same has been passed without following the direction issued in O.A.57 of 1991, allowed the O.A. directing the respondents to take back the applicant to duty as EDMC, Bijwar Branch Post office.

Having aggrieved by the same, the above writ petitions are preferred by the unofficial 4th respondent on one hand and the official respondents on the other.

Heard the learned counsel and perused the order impugned.

It is contended by the learned counsel for the official respondents-1 to 3 and unofficial respondent-4 that since the appointment of the applicant is not in consonance with the guidelines issued by the Directorate regarding the preference to the S.C. and S.T. candidates, on the directions issued by the 3rd official respondent to the 2nd official respondent to set aside the selection of the applicant, a show cause notice has been issued to the applicant and consequently, his services have been terminated and therefore, the tribunal is not justified in passing the order impugned herein.

The fact that remains to be undisputed, is that subsequent to the termination of the services of the applicant on 9.2.1998, the 4th respondent-Ramanujam belonging to S.C. category who fulfilled all the other eligibility criteria was selected and appointed as EDMC on 9.2.1998 and has been continuing as such. Having aggrieved by the same, the applicant has preferred the O.A. in question.

In this background of the matter and in view of the fact that the 4th respondent-Ramanujam who has been appointed under the roster system of reservation under S.C. category, subsequent to the termination of the applicant, is continuing as such, without expressing any opinion on the merits of the case, We deem it appropriate to modify the order of the tribunal to the following effect:

"the case of the applicant shall be considered if he applies for any future vacancy".

Accordingly, the order of the tribunal is modified.

Subject to the above modification, these writ petitions are disposed of.

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(T.MEENAKUMARI, J)

3rd OCTOBER, 2005

(P.LAKSHMANA REDDY,J)

gurc/dvs

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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W.P.NOS:15242 OF 1998 & 28142 OF 1998

(Common Order delivered by the Honourable Smt.Justice T.Meena Kumari)

3rd OCTOBER, 2005.